IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 32716 of 2006(T)

OS.29/1998 of SUB COURT,THODUPUZHA
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PETITIONER:

JOHN, S/O.SCARIA,
AGED 84 YEARS, ELLICKATHARAPPEL,
PALAKKUZHA VILLAGE, PALAKKUZHA KARA,
MUVATTUPUZHA TALUK.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.S.K.MOHAMED SAJEER

RESPONDENTS:
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1. SAVITHRI, W/O.GOPI,
CHERUKUNNEL HOUSE, ADIMALY KARA,
MANAKKUNNAM VILLAGE.

2. P.K.MATHAI, S/O.KURUVILLA,
PUTHENPARAMBIL HOUSE, KOTHAMANGALAM VILLAGE,
KUROOR KARA, KOTHAMANGALAM TALUK.

BY ADV. SRI.T.I.ABDUL SALAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Ext.P1:- True copy of Commission report dated 4.10.2006 in O.S.29/98 on the file of the Sub Court, Thodupuzha.

Ext.P2:- True copy of petition I.A756/06 in O.S.No.29/98 dated 9.11.2006 along with affidavit on the file of the Sub Court, Thodupuzha.

Ext.P3:- True copy of order dated 17.11.2006 in I.A.756/06 in O.S.29/98 on the file of the Sub Court, Thodupuzha.

/true copy/

P.S. To Judge

M.Sasidharan Nambiar,J.

W.P.(C) No.32716 of 2006

Dated, this the 19th day of December, 2006

JUDGMENT

Petitioner is the second defendant in O.S. No.29/98 on the file of Sub Court, Thodupuzha. First respondent is the plaintiff. Petitioner is challenging Ext.P3 order whereunder learned Sub Judge did not grant the permission to examine further witness.

2. Learned counsel appearing for the petitioner and respondent were heard.

3. Learned counsel appearing for the first respondent plaintiff submitted that first respondent has no objection for allowing I.A.756/06 and permitting petitioner to examine the witness as sought for in the application. It is submitted that learned Sub Judge may be directed to dispose the matter within a time framed.

4. Ext.P3 order is quashed. Petitioner is permitted to examine the witness sought to be examined in I.A.756/06 in court. Learned Sub Judge is directed to dispose the suit within one month from the date of receipt of a copy of this judgment.

Writ Petition is disposed of as above.

M.Sasidharan Nambiar
Judge

Tpl/-